

## **REMARKS**

Favorable reconsideration of this application is respectfully requested.

Claims 5 and 9 having been cancelled and new Claim 19 having been added, Claims 1-4, 6-8 and 10-19 are now pending in this application.

Claims 1-11 and 18 have been rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully submits that in the present amendments to the claims either render such rejection moot or corrects minor errors in a manner to clarify the claim language.

Claims 1-5 have been rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,819,039 to Erickson (hereinafter referred to simply as "Erickson"). Erickson discloses a block for storing multiple sutures and does not mention pledgets. [See column 1, lines 57-59, (...a relatively large number of sutures may be stacked in slightly vertical spaced relationship within the slits.), column 2, lines 61-65 (Face 32 of abutment 20 and opposite face 33 of abutment 21 squeeze against sutures 29 to hold the individual sutures in slightly vertically spaced relationship. The spacing or lack of it depends primarily on the manner in which the sutures are loaded into position.)]

Claims 12-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,123,528 to Brown et al. (hereinafter referred to simply as "Brown") in view of U.S. Patent No. 4,896,767 to Pinheiro (hereinafter referred to simply as "Pinheiro"). This rejection is respectfully traversed.

Nowhere does Erickson teach or suggest a block for fixating a suture in a substantially perpendicular position relative to a pledget. In fact, nowhere in the entire patent is the word "pledget" even discussed. Therefore the suture holder of Erickson is different from and hence does not anticipate or render obvious the presently recited structure, which is

used to fixate a suture in a substantially perpendicular position relative to a pledget and not other sutures.

In view of the foregoing, withdrawal of the rejection of Claims 1-11 under 35 U.S.C. §102(b) as being anticipated by Erickson is deemed appropriate and is respectfully requested.

Claims 1-11 have been rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,582,288 to Zatarga (hereinafter referred to simply as "Zatarga"). This rejection is respectfully traversed.

Zatarga discloses a suture laying in a substantially parallel position relative to a surface of a pledget. This substantially parallel position of the suture/pledget orientation is clearly shown in the sole Figure included in Zatarga and the specification [See column 2, lines 21-22 (A pledget 32, including holes 34 and 36 for slidable mounting on suture 12,...)]. In the sole Figure of Zatarga, holes 34 and 36 are clearly shown on all three pledgets 32 as well as the intermediate portion of the suture that runs between holes 34 and 36. The only possible way holes 34 and 36 and the intermediate portion of the suture are visible from the view submitted in the sole Figure of Zatarga is if the pledget is laying flat with a surface that is in a substantially parallel position relative to the suture. Since nowhere in Zatarga does it mention the suture being in a perpendicular position relative to the pledget nor is it shown in any other Figures, Zatarga clearly does not teach or suggest using a block to fixate a suture in a substantially perpendicular position relative to a pledget.

In view of the foregoing, withdrawal of the rejection of Claims 1-11 under 35 U.S.C. §102(b) as being anticipated by Zatarga is deemed appropriate and is respectfully requested.

Claims 12-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,123,528 to Brown et al. (hereinafter referred to simply as "Brown") in

view of U.S. Patent No. 4,896,767 to Pinheiro (hereinafter referred to simply as “Pinheiro”). This rejection is respectfully traversed.

Brown discloses a suture package wherein the suture may sit in a track but the pledgets hang freely on the package on the site opposite the track. The pledget is suspended from the suture receiving port on the outer side of the suture package [See column 5, lines 43-44]. Thus while the track may be configured to receive the suture, it is not configured to receive the suture pledget assembly as recited in claim 12. Nowhere does Brown teach or suggest a suture package that contains elongated tracks designed to receive at least one suture pledget assembly which includes a suture, a pledget and a block. In fact, nowhere in the entire patent is the use of a block even discussed.

Pinheiro fails to cure the deficiencies of Brown. In particular, for example, Pinheiro fails to teach or suggest a suture package that contains elongated tracks designed to receive at least one suture pledget assembly which includes a suture, a pledget and a block as described above. In fact, nowhere in the entire patent are elongated tracks, pledgets or suture pledget assemblies even discussed. Rather, Pinheiro discloses a suture package for mounting a plurality of armed sutures using three mounting blocks to hold the needled sutures.

Even if the applied references are combined as suggested in the office action, i.e., so that Pinheiro’s needle park replaced Brown’s needle park, the resulting package would not render obvious the suture pledget package of claim 12. The suggested combination would result in a suture package having the pledget/block combination on side of the package *opposite* the tracks as shown in FIGS. 5, 9, 11, and 14 of Brown. Clearly, if the pledget/block combination is on the outer side of the package, the track is not configured and dimensioned to receive the suture pledget assembly.

In view of the foregoing, withdrawal of the rejection of Claims 12-18 under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Pinheiro is deemed appropriate and is respectfully requested.

In response to the election of species requirement, it is respectfully submitted that the present Office Action has already substantially addressed all pending claims, and, therefore, the election requirement is traversed and should be withdrawn. However, if the election requirement is maintained, applicants elect the embodiment shown in Fig. 2. Claims 1-4 read on the embodiment shown in Fig. 2.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter DeLuca', with a stylized flourish at the end.

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